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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,105	12/22/2005	Helmut Jerg	2003P00938WOUS	8104

46726 7590 06/10/2010
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3743

NOTIFICATION DATE	DELIVERY MODE
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06/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No. 10/562,105	Applicant(s) JERG ET AL.	
	Examiner Stephen M. Gravini	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 9-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinh (US 5,343,632). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Dinh, as comprising:

subjecting items retained in the home appliance to a drying step after the items have undergone a treatment step as a result of which moisture remains on the items, the step of drying including drawing at least one of air from a treatment chamber and ambient air through a sorption column and thereafter guiding the air that has passed through the sorption column into a treatment chamber, the sorption column containing reversibly dehydratable material that operates to withdraw moisture from air during the passage of the air through the sorption column (column 5 lines 44-60 and column 7 lines 58-66); and

effecting desorption of the reversibly dehydratable material in the sorption column via drawing at least one of air from the treatment chamber and ambient air through a sorption column by means of an air accelerator means, subjecting air passing through the sorption column to heating, and guiding the air that has been heated as it passed through the sorption column into the treatment chamber, whereupon the air guided into the treatment chamber heats at least one of a treatment liquid to be applied to the items retained in the device and the items

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themselves (column 6 lines 4-59 and column 8 lines 6-57). Dinh also discloses the claimed steps of effecting desorption of the reversibly dehydratable material includes heating air during its passage through the sorption column by heat of condensation and a selected one of additional heating via a heater and no additional heating via a heater at column 5 line 3, wherein the passage of air is undertaken during a program step using treatment liquid to be heated (column 5 line 61), wherein effecting desorption of the reversibly dehydratable material includes heating air during its passage through the sorption column and thereafter passing the air through a heat storage device for cooling in order to intermediately store the heat used for desorption in the heat storage device, further including thereafter passing air for heating purposes through the heat storage device and into the treatment chamber (column 5 line 15), guiding the air that has been heated as it passed through the sorption column into the treatment chamber includes cooling the air that has been heated at a location intermediate the sorption column and the treatment chamber (column 5 lines 44-60), wherein cooling the air that has been heated at a location intermediate the sorption column and the treatment chamber includes contacting the air that has been heated with a liquid having a temperature less than the air such that at least some evaporation of the liquid occurs, whereupon a cooling of the air takes place as a result of evaporation cooling (column 4 lines 45-64), and a step of drawing air from at least one of a source of air consisting of air from the treatment chamber and a source of air consisting of ambient air through the sorption column by means of an air accelerator means after the step of effecting desorption of the reversibly dehydratable material in the sorption column, this step

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including drawing such air through the sorption column from the respective source of air substantially without imparting heat to the air from after the air exits the respective source of air up to its entry into the sorption column, the air drawn through the sorption column being heated within the sorption column via heat of condensation as liquid is condensed from the air and absorbed by sorption material in the sorption column, and guiding the air that has been heated as it passed through the sorption column into the treatment chamber, whereupon the air guided into the treatment chamber heats at least one of a treatment liquid to be applied to the items retained in the device and the items themselves at column 6 lines 4-59.

Claim Rejections - 35 USC § 103

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of Tuck et al. (US 3,034,221). Dinh discloses the claimed invention, as rejected above, except for the claimed features including effecting desorption of the reversibly dehydratable material includes heating the air via a heater in a pipe to the sorption column, wherein at least one of the treatment liquid and the items are heated by the heated air and effecting desorption of the reversibly dehydratable material includes at least partly delivering the desorbed moisture from the sorption column into at least one of the treatment chamber or the heat storage device, and wherein effecting desorption of the reversibly dehydratable material includes heating the air via the heat of condensation in the sorption column. Tuck, another method for operating a device, discloses effecting desorption of the reversibly dehydratable material includes heating the air via a heater in a pipe to the sorption column at column 2 lines 17-27, wherein at

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least one of the treatment liquid and the items are heated by the heated air and effecting desorption of the reversibly dehydratable material includes at least partly delivering the desorbed moisture from the sorption column into at least one of the treatment chamber or the heat storage device, and wherein effecting desorption of the reversibly dehydratable material includes heating the air via the heat of condensation in the sorption column at column 2 line 54 through column 3 line 59 respectively. It would have been obvious to one skilled in the art to combine the teachings of Dinh with the features disclosed in Tuck for the purpose of efficiently using heated air to provide an effective use of energy in using waste heat to minimize the cost of reverse dehydration in sorption columns.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of Chamberlain (US 2,633,928). Dinh discloses the claimed invention, as rejected above, except for the claimed crockery features.. Chamberlain, another method for operating a device, discloses that feature at figure 20. It would have been obvious to one skilled in the art to combine the teachings of Dinh with the crockery features disclosed in Chamberlain for the purpose of efficiently using heated air to provide an effective use of energy in using waste heat to minimize the cost of reverse dehydration in sorption columns.

Response to Arguments

Applicant's arguments filed April 10, 2010 have been fully considered but they are not persuasive.

Dinh anticipation

Applicants argue that the claimed sorption column with a reversible dehydratable material defines the claimed invention over the prior art. However, the claims are reasonably and broadly construed, in light of the accompanying specification, such that the argued feature is implicitly disclosed in Dinh as rejected above. Specifically, the disclosed regenerative heat exchanger **140** (beginning at column 6 line 51) is structurally and functionally the same as the disclosed sorption column because both use a reversibly dehydratable material. The claimed "sorption" is not claimed or specified in sufficient detail to distinguish that feature over the prior art. The disclosed "regenerative heat exchanger" meets the claimed "sorption column" since both are structurally and functionally the same.

Tuck obviousness

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Tuck was not cited to teach every feature of the claimed invention, but rather that it would have been obvious to one skilled in the art to modify the teachings of Dinh, as rejected above.

In response to applicant's argument that Tuck is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Tuck was not cited to teach every feature of the claimed invention, but rather that it would have been obvious to one skilled in the art to modify the teachings of Dinh, as rejected above.

In response to applicant's argument that the teachings of Tuck, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Chamberlain obviousness

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Chamberlain was not cited to teach every feature of the claimed invention, but rather that it would have been obvious to one skilled in the art to modify the teachings of Dinh, as rejected above.

In response to applicant's argument that Chamberlain is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Chamberlain was not cited to teach every feature of the claimed invention, but

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rather that it would have been obvious to one skilled in the art to modify the teachings of Dinh, as rejected above.

In response to applicant's argument that the teachings of Chamberlain, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

Other prior art references cited in this action disclose one or more features of the claimed invention, but are not used to rejecting the claims in this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/
Primary Examiner, Art Unit 3743